

1 **HOUSE CONCURRENT RESOLUTION NO. 92**

2 (By Delegates Longstreth, Barker, Fleischauer, Butcher,
3 Fragale and Martin)
4

5

6 Requesting the Joint Committee on Government and Finance study
7 abusive mistreatment of employees at work.

8 WHEREAS, The social and economic well-being of the state is
9 dependent upon healthy and productive employees. Between
10 thirty-seven percent and fifty-nine percent of employees directly
11 experience health-endangering workplace bullying, abuse and
12 harassment, and this mistreatment is approximately four times more
13 prevalent than sexual harassment alone. Workplace bullying,
14 mobbing and harassment can inflict serious harm upon targeted
15 employees, including feelings of shame and humiliation, severe
16 anxiety, depression, suicidal tendencies, cardiovascular disease
17 and symptoms consistent with posttraumatic stress disorder.
18 Abusive work environments can have serious consequences for
19 employers, including reduced employee productivity and morale,
20 higher turnover and absenteeism rates and increases in medical and
21 workers' compensation claims; and

22 WHEREAS, If mistreated employees who have been subjected to
23 abusive treatment at work cannot establish that the behavior was
24 motivated by race, color, sex, sexual orientation, national origin
25 or age, they are unlikely to be protected by the law against such

1 mistreatment. Legal protection from abusive work environments
2 should not be limited to behavior grounded in protected class
3 status as that provided under employment discrimination statuses;
4 and

5 WHEREAS, Existing workers' compensation plans and common-law
6 tort actions are inadequate to discourage this behavior or to
7 provide adequate relief to employees who have been harmed by
8 abusive work environments thus leaving the Legislature to enact a
9 procedure to provide legal relief for employees who have been
10 harmed, psychologically, physically or economically, by being
11 deliberately subjected to abusive work environments and legal
12 incentive for employers to prevent and respond to abusive
13 mistreatment of employees at work; therefore, be it

14 *Resolved by the Legislature of West Virginia:*

15 That the Joint Committee on Government and Finance is hereby
16 requested to study abusive mistreatment of employees at work and
17 procedures for legal relief for employees who have been harmed,
18 psychologically, physically or economically, by being deliberately
19 subjected to abusive work environments and legal incentive for
20 employers to prevent and respond to abusive mistreatment of
21 employees at work; and, be it

22 *Further Resolved,* That the Joint Committee on Government and
23 Finance report to the regular session of the Legislature, 2012, on
24 its findings, conclusions and recommendations, together with drafts

1 of any legislation necessary to effectuate its recommendations;

2 and, be it

3 *Further Resolved*, That the expenses necessary to conduct this
4 study, to prepare a report and to draft necessary legislation be
5 paid from legislative appropriations to the Joint Committee on
6 Government and Finance.